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Oceans and the law of the sea

Report on the work of the Ad Hoc Working Group of the Whole to recommend a course of action to the General Assembly on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

Letter dated 10 September 2009 from the Co-Chairs of the Ad Hoc Working Group of the Whole addressed to the President of the General Assembly

Pursuant to your letter dated 21 August 2009, we were appointed as the Co-Chairs of the Ad Hoc Working Group of the Whole, established in accordance with paragraph 157 of General Assembly resolution 63/111, to recommend a course of action to the Assembly on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects.

We have the honour to submit to you the attached report on the work of the Ad Hoc Working Group of the Whole, which met at United Nations Headquarters from 31 August to 4 September 2009. The outcome of the meeting consists of a brief procedural report and a set of agreed recommendations to the sixty-fourth session of the General Assembly on a course of action for the regular process.

We kindly request that the present letter and the report of the Ad Hoc Working Group of the Whole be circulated as a document of the General Assembly under the agenda item entitled "Oceans and the law of the sea".

(*Signed*) Hilario G. **Davide** Jr.

(*Signed*) Gunnar **Pálsson**

* A/64/150.

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Report of the Ad Hoc Working Group of the Whole to recommend a course of action to the General Assembly on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

1. The Ad Hoc Working Group of the Whole was convened pursuant to paragraph 157 of General Assembly resolution 63/111 to recommend to the sixty-fourth session of the Assembly a course of action on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects. The meeting was held at United Nations Headquarters in New York from 31 August to 4 September 2009.

2. The meeting was presided over by two Co-Chairs, Mr. Hilario G. Davide, Jr. (Philippines) and Mr. Gunnar Pálsson (Iceland), appointed by the President of the General Assembly in consultation with Member States. The following Friends of the Co-Chairs were nominated by the regional groups: Mr. Ismail Chekkori (Morocco) for the Group of African States; Mr. Esmaeil Baghaei Hamaneh (Iran (Islamic Republic of)) for the Group of Asian States; Mr. Carlos Michelen (Dominican Republic) for the Group of Latin American and Caribbean States; Mr. Samir Sharifov (Azerbaijan) for the Group of Eastern European States; and Mrs. Elizabeth J. Tirpak (United States of America) for the Group of Western European and Other States.

3. The meeting was attended by 80 representatives of States, in addition to representatives of 10 intergovernmental organizations and other bodies.

4. The following supporting documentation was available to the meeting: (a) the report on the results of the assessment of assessments (A/64/88, annex) and (b) the format, provisional agenda and annotated provisional agenda, including the proposed organization of work. Following its official launch, the report on the assessment of assessments, prepared by the Group of Experts, was also made available to the meeting.

5. The Deputy Secretary-General, Asha-Rose Migiro, opened the meeting on behalf of the Secretary-General.

6. Following a general exchange of views, the meeting heard presentations on a general introduction to and the outcome of the meeting of the Ad Hoc Steering Group from: Mr. Patricio Bernal, Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO); Mr. Peter Gilruth, United Nations Environment Programme (UNEP); and, on behalf of the Co-Chairs of the Ad Hoc Steering Group, Mr. Salif Diop (UNEP) and Mr. Julian Barbiere (Intergovernmental Oceanographic Commission of UNESCO).

7. The meeting also heard presentations on the report of the Group of Experts by the following experts: Mrs. Jacqueline McGlade (United Kingdom of Great Britain and Northern Ireland) and Mr. Kwame Korenteng (Ghana), Co-Chairs of the Group of Experts; Mr. Jake Rice (Canada); Mr. Andrew Rosenberg (United States); Mr. Wajih Naqvi (India); Mrs. Beatrice Ferreira (Brazil); Mr. Gunnar Sanders (Norway); Mrs. Jill Jaeger (United Kingdom); Mrs. Lee Kimball (United States); and Mr. Alan Simcock (United Kingdom). The presentations were followed by question-and-answer sessions.

8. Following the presentations, the meeting discussed a course of action on the regular process that could be recommended to the sixty-fourth session of the General Assembly. On the basis of those discussions, the Co-Chairs, in consultation with the Friends of the Co-Chairs, prepared draft recommendations for consideration by the Ad Hoc Working Group of the Whole. The recommendations were then agreed upon, with modifications by the Ad Hoc Working Group of the Whole.

9. The recommendations on a course of action for the regular process, transmitted by the Co-Chairs to the President of the sixty-fourth session of the General Assembly, are attached as an annex to the present report.

Annex

Recommendations of the Ad Hoc Working Group of the Whole to the sixty-fourth session of the General Assembly

1. The Ad Hoc Working Group of the Whole established by General Assembly resolution 63/111 to recommend a course of action to the Assembly at its sixty-fourth session, based on the outcomes of the fourth meeting of the Ad Hoc Steering Group, recalled the recommendation of the 2002 Plan of Implementation of the World Summit on Sustainable Development[1] and the decision of the Assembly in its resolution 57/141 to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments.

2. The Ad Hoc Working Group of the Whole also recalled the decision of the General Assembly, in its resolution 60/30, to launch the start-up phase, the "assessment of assessments", as a preparatory stage towards the establishment of the regular process.

3. The Ad Hoc Working Group of the Whole acknowledged with appreciation the work carried out by the Group of Experts under the guidance of the Ad Hoc Steering Group and with the assistance of the lead agencies, the United Nations Environment Programme (UNEP) and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the support provided by other organizations and experts.

4. The Ad Hoc Working Group of the Whole noted the decision of the Ad Hoc Steering Group and took note of the report on the results of the assessment of assessments prepared by the Group of Experts. At the same time, the Ad Hoc Working Group also noted the regional variability and gaps in assessments, in particular with regard to socio-economic aspects. It further noted that the description of the regions by the Group of Experts was intended solely for the purpose of organizing the review of existing assessments and was not intended to be prescriptive with regard to regional analyses for future work of the regular process.

5. The Ad Hoc Working Group of the Whole, having considered the report on the results of the assessment of assessments transmitted by UNEP and the Intergovernmental Oceanographic Commission in accordance with paragraph 94 (d) of General Assembly resolution 60/30, as well as the outcome of the fourth meeting of the Ad Hoc Steering Group, recommends to the Assembly the following course of action on the regular process:

I. Framework for the regular process

6. The framework for the regular process would, subject to further consideration by Member States, consist of: (a) the overall objective for the regular process, (b) a description of the scope of the regular process, (c) a set of principles to guide its

[1] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex, para. 36 (b).

establishment and operation and (d) the best practices on key design features for the regular process as identified by the Group of Experts. Capacity-building, sharing of data, information and transfer of technology would be crucial elements of the framework.

Overall objective

7. The regular process under the United Nations would be recognized as the global mechanism for reviewing the state of the marine environment, including socio-economic aspects, on a continual and systematic basis by providing regular assessments at the global and supraregional levels and an integrated view of environmental, economic and social aspects. Such assessments would support informed decision-making and thus contribute to managing in a sustainable manner human activities that affect the oceans and seas, in accordance with international law, including the United Nations Convention on the Law of the Sea and other applicable international instruments and initiatives.

8. The regular process would facilitate the identification of trends and enable appropriate responses by States and competent regional and international organizations.

9. The regular process would promote and facilitate the full participation of developing countries in all of its activities.

10. Ecosystem approaches would be recognized as a useful framework for conducting fully integrated assessments.

Capacity-building and technology transfer

11. The regular process would promote, facilitate and ensure capacity-building and transfer of technology, including marine technology, in accordance with international law, including the United Nations Convention on the Law of the Sea and other applicable international instruments and initiatives, for developing and other States, taking into account the criteria and guidelines on the transfer of marine technology of the Intergovernmental Oceanographic Commission.

12. The regular process would promote technical cooperation, including South-South cooperation.

13. States and global and regional organizations would be invited to cooperate with each other to identify gaps and shared priorities as a basis for developing a coherent programme to support capacity-building in marine monitoring and assessment.

14. The value of large-scale and comprehensive assessments, notably in the Global Environment Facility's international waters large-marine ecosystems initiatives, in identifying and concentrating on capacity-building priorities would be recognized.

15. Opportunities for capacity-building would be identified, in particular on the basis of existing capacity-building arrangements and the identified capacity-building priorities, needs and requests of developing countries.

16. States and relevant international organizations, bodies and institutions would be invited to cooperate in building the capacity of developing countries in marine science, monitoring and assessment, including through workshops, training programmes and materials and fellowships.

17. Quality assurance procedures and guidance would be developed to assist Governments and international organizations to improve the quality and comparability of data.

Scope

18. The scope of the regular process is global and supraregional, encompassing the state of the marine environment, including socio-economic aspects, both current and foreseeable.

19. In the first cycle, the scope of the regular process would focus on establishing a baseline. In subsequent cycles, the scope of the regular process would extend to evaluating trends.

20. The scope of individual assessments under the regular process would be identified by Member States in terms of, inter alia, geographic coverage, an appropriate analytical framework, considerations of sustainability, issues of vulnerability and future scenarios that may have implications for policymakers.

Principles

21. The regular process would be guided by international law, including the United Nations Convention on the Law of the Sea and other applicable international instruments and initiatives, and would include reference to the following principles:

(a) Viewing the oceans as part of the whole Earth system;

(b) Regular evaluation by Member States of assessment products and the regular process itself to support adaptive management;

(c) Use of sound science and the promotion of scientific excellence;

(d) Regular analysis to ensure that emerging issues, significant changes and gaps in knowledge are detected at an early stage;

(e) Continual improvement in scientific and assessment capacity, including the promotion and development of capacity-building activities and transfer of technology;

(f) Effective links with policymakers and other users;

(g) Inclusiveness with respect to communication and engagement with all stakeholders through appropriate means for their participation, including appropriate representation and regional balance at all levels;

(h) Recognition and utilization of traditional and indigenous knowledge and principles;

(i) Transparency and accountability for the regular process and its products;

(j) Exchange of information at all levels;

(k) Effective links with, and building on, existing assessment processes, in particular at the regional and national levels;

(l) Adherence to equitable geographical representation in all activities of the regular process.

II. First cycle of the regular process

22. In order to support adaptive management, the regular process would be implemented through a succession of cycles. A first cycle of the regular process would cover five years, from 2010 to 2014, coinciding with the next review by the Commission on Sustainable Development of the theme "Oceans and seas", bearing in mind that the thematic cluster for 2014/2015 will remain as part of the multi-year programme of work (E/2003/29-E/CN.17/2003/6) as scheduled, unless otherwise agreed by the Commission.

23. The first phase of the first cycle, covering the years from 2010 to 2012, would be devoted to the development of the strategy and timetable for the production of an integrated assessment of the world's oceans and seas, taking into consideration the scope, guiding principles and best practice guidance on key design features for the regular process proposed by the Group of Experts, as well as the promotion and development of capacity-building activities and transfer of technology.

24. The second phase of the first cycle, covering the years 2013 and 2014, would produce an integrated assessment of the oceans, including agreed priority cross-cutting thematic issues such as food security, and establish a baseline for future global assessments. This would provide the scientific basis for the identification of appropriate baselines and internationally agreed environmental standards for use in assessments of the state of the marine environment (including guidelines for their development, where required) and suitable programmes to monitor and report on the effects of human activities on the marine environment.

25. The assessment procedures adopted by Member States to govern the integrated assessment would include quality assurance, nomination and selection of experts based on equitable geographical representation, peer review, ways to address uncertainty and lack of consensus among experts, data availability and accessibility and stakeholder engagement.

26. Following the completion of each phase of the five-year cycle, the General Assembly would be provided with a report on the results of the work undertaken.

27. The length, scope, objectives and guiding principles of future cycles of the regular process would be determined by the General Assembly following the completion of the first five-year cycle. At that time, the modalities for the evaluation of the process and its products would also be reviewed by the Assembly.

III. A way forward

28. More time is needed to further consider the report in detail. It is recommended that the Ad Hoc Working Group of the Whole be reconvened to:

(a) Further consider and make recommendations to the sixty-fifth session of the General Assembly on the modalities for the implementation of the regular process, including the key features and institutional arrangements and financing, taking into consideration the report on the results of the assessment of assessments, the reports of the Group of Experts and discussions at the meeting of the Ad Hoc Working Group of the Whole;

(b) Specify the objective and scope of the first cycle of the regular process, key questions to be answered and primary target audiences, in order to ensure that assessments are relevant for decision makers.

29. In order to further prepare the way for decisions on the implementation of the first cycle, more detail should be developed on the fundamental building blocks identified by the Group of Experts.

30. States should be invited to present views on the fundamental building blocks of the regular process, to be reflected in the report of the Secretary-General on oceans and the law of the sea to be presented as an addendum to the report to the sixty-fourth session.

31. It is recommended that the Group of Experts, as constituted by the General Assembly by invitations to States, attend a meeting of the Ad Hoc Working Group of the Whole, to be reconvened no later than September 2010 for one week, to respond and make suggestions on the issues listed in paragraph 60 of the report on the results of the assessment of assessments, taking into account the comments and observations submitted by States.

32. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs would be requested to provide support for the regular process, in cooperation, as appropriate, with relevant United Nations specialized agencies and programmes.

Financial resources for the regular process

33. The operation of the first five-year cycle of the regular process would be supported through financial and other resources from Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons. To that end, a voluntary trust fund should be established.

34. A special scholarship fund would be established to support training programmes for developing countries.

35. Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons would be urged to make contributions to the funds.